

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINTS NOS. 01-24-90015 – 01-24-90016
and 01-25-90048

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: JANUARY 9, 2026

Complainant, a pro se litigant, has filed two complaints under 28 U.S.C. § 351(a) against three district judges in the First Circuit. The first complaint is against two judges (Judges Nos. 1 and 2), and the second complaint is against a third judge (Judge No. 3). Complainant alleges judicial misconduct in connection with four of complainant's civil cases.¹ (Judge No. 2 presided over three of the cases, and Judge No. 3 presided over one of the cases. See infra pp. 4-8. Judge No. 1 neither presided over, nor issued any rulings in any of these four cases.) The misconduct complaints are baseless and not cognizable.

In the first complaint (Complaint Nos. 01-24-90015 – 01-24-90016), complainant alleges that Judge No. 1 engaged in a conspiracy to prevent complainant from completing service in his first and second civil cases, in violation of federal law and procedural rules, in order to disenfranchise complainant because of his indigent status, and discriminated

¹ In the first complaint, complainant, in an apparent scrivener's error, refers twice to a case in which neither he nor any of the subject judges were involved. In the second complaint, complainant also lists a case in which he is not involved but does not include any discussion of this case or specific allegations regarding it. Accordingly, neither case is addressed.

against complainant based on complainant's race while presiding over his cases.

Complainant specifically asserts that Judge No. 1 demanded that complainant's counsel withdraw a summons from the docket, in order to prevent complainant from completing service. Further, complainant asserts that the judge ordered complainant's attorney to pay the fees associated with service in the second case, although counsel did not have the funds to do so, which forced counsel to withdraw and left complainant without representation. Complainant also alleges that Judge No. 1 ignored complainant's motions to serve the summons, as well as counsel's motion for relief from paying fees, for years. Complainant requests that Judge No. 1 be ordered to effectuate service in the first and second cases.

In the first complaint, as to Judge No. 2, complainant likewise asserts that the judge prevented complainant from completing service in the first and second cases, as well as in the third case. Complainant further alleges that Judge No. 2 failed to sever complainant's consolidated cases (the first and third cases) and refused to rule on the requests of complainant's counsel to sever the cases and to withdraw from the third case. Complainant also objects to Judge No. 2's denial of the request of complainant's counsel to withdraw from the third case. Complainant alleges that the judge failed to rule on his motions regarding service in the first, second, and third cases and regarding counsel's malpractice.²

² In the first complaint, complainant includes allegations against court staff, including that Judge No. 1's law clerk "backdated" a dismissal order in complainant's second case in support of a conspiracy and made harassing phone calls, and that the law clerk and the clerk of court prevented complainant from completing service. However, the governing statute and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct) provide for the filing of complaints against federal judges only. See 28 U.S.C. § 351, and Rules of

In the second complaint (Complaint No. 01-25-90048), complainant alleges that, in the fourth case, Judge No. 3 denied complainant's constitutional rights, deliberately violated federal law, and acted in bad faith and for the benefit of one of the defendants by failing to order service of the summons and by ignoring complainant's motions to complete service and for appointment of counsel. He further contends that Judge No. 3 is corrupt, biased, and incompetent, and that the judge has discriminated against him based on his "alienage" and has delayed the case for years to assist defendants. Complainant requests that Judge No. 3 be ordered to execute service immediately and to rule on complainant's pending motion for appointment of counsel in the fourth case and that the judge recuse from the matter.³

As an initial matter, the judicial misconduct procedure does not provide an avenue for obtaining relief in a case, including execution of service, recusal of a judge, or disposition of motions. See 28 U.S.C. § 351, et seq., and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11, 19(b), and 20(b). The reviewed records, including the misconduct complaints and the dockets of the relevant proceedings, provide no support for complainant's allegations of judicial misconduct.

Judicial-Conduct, Rules 1 and 3(h). Nonetheless, the dockets of the three cases identified in the first complaint do not indicate that court staff engaged in any wrongdoing.

³ Complainant also appears to include allegations in both complaints regarding his attorneys and other private individuals involved in his cases. As the governing statute and the Rules of Judicial-Conduct provide for the filing of complaints against federal judges only, these allegations are not addressed. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1 and 3(h).

The First Case (Judge No. 2)

Complainant filed pro se a civil complaint against several companies and individuals, a motion to proceed in forma pauperis (IFP), and a motion for issuance of a summons. Judge No. 2 appointed complainant pro bono counsel, ordered counsel to review complainant's claims and to file an amended complaint, and denied the motion for issuance of a summons as premature.

Complainant, through counsel, filed an amended complaint, and Judge No. 2 granted complainant's motion for leave to proceed IFP and ordered the U.S. Marshals Service to serve process on defendants. Summonses were issued and were returned executed as to only some defendants. Subsequently, after several months passed without action in the case by complainant, the judge ordered complainant to show cause why the case should not be dismissed. In response, counsel requested, in part, an extension of time to serve certain defendants.

Subsequently, complainant's counsel filed a motion to withdraw, citing incompatibility and disagreement on litigation strategy, complainant filed pro se a motion requesting that the clerk of court serve defendants immediately, and Judge No. 2 appointed new pro bono counsel, ordered counsel to meet with complainant and to propose new filing deadlines, and denied complainant's pro se motion without prejudice. Complainant then filed pro se a motion, dated prior to the date his new attorney was appointed, for his attorney's withdrawal and for an extension of time to complete service, explaining that counsel made no attempts to serve defendants, and the judge denied the

motion as moot in light of the order appointing new counsel and directing counsel to propose new filing deadlines.

Complainant's counsel filed a motion to withdraw, and the judge granted the motion and ordered complainant to proceed pro se. Over several months, complainant filed pro se numerous pleadings requesting, in part, to reissue summonses and to appoint counsel. The judge appointed new counsel for complainant and denied complainant's other pro se requests or found them to be moot.

One of the defendants filed a motion to quash service, complainant, through counsel, filed an opposition, and defendant filed a reply. Judge No. 2 entered an order granting the motion, as complainant improperly served an unauthorized employee of defendant, and the court reissued summonses for the defendants who had not been served. The following month, the court ordered counsel to provide a status report addressing, in part, service of process, and counsel filed a timely status report explaining that defendants received but did not return completed requests to waive service of summonses, and accordingly, defendants would need to be served personally. Subsequently, complainant filed pro se requests for service of the summons, and the judge denied them, noting that all motions must be filed through counsel.

One of the defendants filed a motion to vacate service of summons, asserting that service was made on an unauthorized individual, and a motion to dismiss, and complainant, through counsel, filed oppositions to both motions. After this misconduct complaint was filed, the court denied the motion to vacate service and the motion to dismiss and gave complainant an opportunity for service on defendants who had not yet

been properly served. The case has since been dismissed, in part, for failure to serve certain defendants and, in part, voluntarily.

The Second Case (Judge No. 2)

Complainant filed pro se a civil complaint against several corporations and individuals and a motion for leave to proceed IFP. The following month, Judge No. 2 denied complainant's motion for leave to proceed IFP and dismissed the case without prejudice for failure to allege sufficiently diversity jurisdiction.

Complainant then filed a motion requesting, in part, leave to file an amended complaint and an amended complaint, and the judge denied the motion, finding that complainant failed to demonstrate that reconsideration of the dismissal was warranted and that the amended complaint did not cure the aforementioned deficiencies.

Complainant appealed the order denying his motion to file an amended complaint, and the Court of Appeals vacated the order and remanded the matter to the district court. On remand, Judge No. 2 appointed complainant pro bono counsel and ordered counsel to meet with complainant, assess the viability of his claims, and file an amended complaint. After complainant, through counsel, filed an amended complaint, the judge ordered counsel to coordinate service of process on defendants, and, pursuant to the district's local rule, for complainant to bear the costs of litigation expenses, if feasible, or for counsel to seek reimbursement of these costs. Thereafter, the case was stayed for months at the request of complainant's counsel.

Subsequently, complainant, through counsel, filed motions to file a second amended complaint and for waiver of the fees related to service, and the judge granted

the motion to file an amended complaint, held the motion for waiver of fees in abeyance, and ordered that counsel file, in a separate docket entry, the amended complaint and a proposed amended summons.

Thereafter, complainant, through counsel, filed the second amended complaint and motions requesting that service be made by publication and that the associated fees be waived, and Judge No. 2 denied without prejudice these motions, as well as the motion regarding waiver of fees that had been held in abeyance, as complainant had not filed a proposed amended summons. Further, complainant filed pro se an informative motion, in which he, in part, provided that clerk's office staff had explained that he had not filed a proposed amended summons in the proper form. Several weeks later, and after this misconduct complaint was filed, the judge noted the pro se motion, explained that a proposed amended summons had yet to be filed, set a deadline for complainant to file the summons, and provided complainant with the relevant form to do so. The case is pending.

The Third Case (Judge No. 2)

Complainant filed pro se a civil complaint against his former pro bono counsel, a motion for service by publication, and a motion to consolidate the third case with the first case. The court granted the motion for consolidation and consolidated the cases.

Complainant's appointed counsel, see supra pp. 4-6, filed a motion requesting that the first case not be consolidated with complainant's pro se civil case against his former counsel, citing to a case number that was different from that of the third case, and Judge No. 2 granted the motion. However, after the order granting the motion to sever the cases

was entered, the docket in the third case continued to indicate consolidation with the first case.

After the first misconduct complaint was filed, complainant, while represented by counsel, filed pro se a motion requesting to sever the consolidation of the first and third cases, and Judge No. 2 denied the request and ordered counsel to confer with complainant about the motion and to refile the motion if needed. Subsequently, the judge noted that there was confusion regarding the consolidation of the two cases, severed the third case from the first case, and ordered that the third case proceed. The case is pending.

The Fourth Case (Judge No. 3)

Complainant filed pro se a civil complaint against several corporations and individuals, as well as a motion to proceed IFP. Less than two months later, Judge No. 3 granted the motion to proceed IFP, and, over the next few months, complainant filed motions for an extension of time to serve summonses, to appoint pro bono counsel, and for issuance of the summonses, as well as proposed summonses for a number of the defendants. Days after complainant filed the proposed summonses, the court issued the summonses. Several months later, Judge No. 3 entered a multiple-page order dismissing the case without prejudice for failure to state a plausible claim for relief and, separately, entered an order that the pending motions were moot.

Analysis

The misconduct complaints are without merit. There is no support in the complaints or the dockets of the proceedings for complainant's allegations that the subject judges engaged in a conspiracy to prevent complainant from completing service or to

benefit defendants, discriminated or were biased against complainant, deliberately violated the law or procedural rules, denied complainant his constitutional rights, ignored complainant's pleadings, forced his counsel to withdraw, or were otherwise improperly motivated in presiding over any of the cases complainant addresses in these misconduct complaints. Notably, the records indicate that Judge No. 1 never presided over or issued any rulings in the cases identified by complainant. Further, the records of the relevant proceedings indicate that Judges Nos. 2 and 3 considered complainant's pleadings filed pro se and through counsel and issued reasoned rulings, some of which were in complainant's favor. See supra pp. 4-8. Further, Judge No. 2 provided complainant multiple opportunities to perfect service in the consolidated cases and in the second case and appointed complainant pro bono counsel a number of times, and summonses were promptly issued in the fourth case, over which Judge No. 3 presided. See supra pp. 4-8. As such, the complaints are dismissed as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(D).

In the absence of any evidence of an improper judicial motive, complainant's objections to the substance of the court's decisions, including, but not limited to, the judges' orders regarding service, appointed counsel, and severance of complainant's cases,⁴ are not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii), and Rules of Judicial-

⁴ To the extent there was any error with respect to the severance of the first and third cases, any such error would not amount to cognizable misconduct. See Judicial Council of the First Circuit, Order, In Re: Judicial Misconduct Complaint No. 01-13-90016, April 16, 2014, at p. 5 (alleged minor set of errors did no more than call into question the correctness of a judge's ruling and did not constitute cognizable misconduct); and see also Lynch, C.C.J., Order, In Re: Complaint No. 01-15-90002 (June 11, 2015), at p. 7 (the conduct of court staff in exercising their administrative duties is not attributable to a judge).

Conduct, Rule 11(c)(1)(B). See also Rules of Judicial-Conduct, Rule 4(b)(1)

("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling If the decision or ruling is alleged to be the result of an improper motive . . . the complaint is not cognizable to the extent that it calls into question the merits of the decision. . . ."), and Commentary to Rule 4 ("Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related."). The same is true for complainant's allegations of improper delay in his cases. See id. Rule 4(b)(2) ("Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases."). Accordingly, the complaints are dismissed as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(B).

For the reasons stated, Complaints Nos. 01-24-90015 – 01-24-90016 and 01-25-90048 are dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and (D), respectively.

As complainant has filed two baseless judicial misconduct complaints, complainant is warned that the filing of another baseless or repetitive complaint may precipitate issuance of an order to show cause in accordance with Rule 10 of the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rule 10(a) ("A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints . . .").

January 9, 2026
Date



Chief Judge Barron